

# Did the CIA Open Your Mail?

## If It Did, Here's What You Can Do

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From 1953 to 1973, the Central Intelligence Agency, in a secret operation given the code name HTLINGUAL, opened, read and copied 215,000 first-class letters that were mailed by or addressed to American citizens and residents. The program flagrantly violated criminal statutes forbidding interference with the mails, and also violated the Fourth Amendment's prohibition against illegal search and seizure.

In a nationwide, coordinated litigation campaign, the ACLU and its affiliates have filed eight lawsuits designed to win money damages for the tens of thousands of persons whose mail was opened and read, to secure an injunction prohibiting repetition of any such program, and to require the CIA and the FBI (to whom copies of thousands of the opened letters were transferred) to purge their files of every last vestige of the program by returning copies of all the letters to the persons to whom they belong, and by destroying all other file material that grew out of HTLINGUAL.

Two classes of lawsuits have been filed. The first, which was filed in the U.S. District Court in Rhode Island in the summer of 1975, is a suit for money damages against the high-ranking CIA officers responsible for the mail-opening program. The suit also seeks injunctive relief.

The other seven lawsuits, filed from Hawaii to Connecticut, are novel in civil liberties terms because they are based upon the Federal Tort Claims Act and are directed against the United States itself. Though the United States is generally immune from damages, the Federal Tort Claims Act is one statute which has waived this immunity and allowed damage suits for certain kinds of harmful conduct.

The advantage of suing the United States for damages is money. Since there is more of it in the U.S. Treasury than in the bank accounts of former government officers, the thousands of persons whose privacy was trampled upon by the CIA will be able to receive more realistic compensation. In addition, we believe that a heavy judg-

ment against the United States will discourage future illegal conduct by government agents.

The lawsuit for damages against the individual officials and one of the tort claims actions against the United States are brought as class actions, though neither has yet been formally certified as such. There are some obstacles to securing class action status in the tort claims case, but we believe we may be able to overcome them.

However, in case class action is denied, we want to have the participation of as many named individuals as possible. The ACLU therefore is offering assistance to anyone who knows, or believes, that their mail was opened by the CIA, and who want to guarantee their right to damages if the courts eventually rule in our favor.

The prerequisite to such participation is to know for a fact that the CIA has opened your mail. The CIA will actually give you that information if you write to the FOIA Coordinator, CIA, Washington, D.C. 20505 with a short letter demanding to know "under the authority of the Freedom of Information Act" whether your mail has been opened. If it has, the Agency, as it has done in the past, will not only say so, but will even send you copies of your purloined letters.

You must then submit a claim for damages to the CIA. A request to the legal department of the national ACLU will produce a small packet of materials and forms which will explain the steps you must take in filing the claim and the steps the ACLU will take on your behalf after your claim is rejected, as they all have been.

(Write: Legal Department, ACLU, 22 East 40th Street, New York, N.Y. 10016. A stamped, self-addressed envelope would be appreciated.)

Though we do not guarantee that our litigation will succeed in compensating the victims of the CIA mail-opening program, the prospects are sufficiently good to make the effort worthwhile. At the very least, a flood of demands for damages will impress the government with the fact that the public objects strongly to the gross and fundamental invasion of privacy involved in the illegal mail-opening program. ■

*Mr. Wulf is the former ACLU Legal Director and Chief Counsel in mail opening cases.*